

# EXHIBIT I

Transcribed Trial Testimony of Donald  
Thatcher that was video recorded and  
played for the Jury

# DonaldThatcher-editedfortrial

## Designation List Report



Thatcher, Donald

2022-10-21

[Our Designations](#)

00:14:24

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**TOTAL RUN TIME**

**00:14:24**



**DonaldThatcher-editedfortrial**

DESIGNATION	SOURCE	DURATION	ID
4:22 - 4:22	<b>Thatcher, Donald 2022-10-21</b> 4:22 (Witness duly sworn.)	00:00:07	<b>DonaldThatcher-editedfortrial.1</b>
5:06 - 5:15	<b>Thatcher, Donald 2022-10-21</b> 5:06 Q. All right. Good morning, again, 5:07 Officer Thatcher. How are you doing? 5:08 A. Good morning. I'm good. How are you? 5:09 Q. I'm well. 5:10 Can you see and hear me all right? 5:11 A. Yes. 5:12 Q. All right. If at any point I break up or 5:13 come in and out and there's any Zoom issues, just 5:14 let me know. Okay? 5:15 A. Okay.	00:00:15	<b>DonaldThatcher-editedfortrial.2</b>
5:22 - 6:02	<b>Thatcher, Donald 2022-10-21</b> 5:22 Q. And the purpose of today's deposition is 5:23 to show you a video and to allow you to 5:24 authenticate the video so that it can be used for 5:25 trial purposes and other purposes down the line. 6:01 Does that make sense? 6:02 A. Yes.	00:00:13	<b>DonaldThatcher-editedfortrial.3</b>
7:20 - 18:06	<b>Thatcher, Donald 2022-10-21</b> 7:20 Q. All right. I'm going to roll right into 7:21 this. 7:22 Can you see my screen, sir? 7:23 A. Yes, sir. 7:24 MR. CEISLER: All right. I'm going 7:25 to introduce as Exhibit A a video that is 8:01 titled "Unblurred Video," which I actually 8:02 received several minutes ago and have not 8:03 had the opportunity to rename, so it's 8:04 named "Unblurred Video." 8:05 (Thatcher Exhibit A marked.) 8:06 BY MR. CEISLER: 8:07 Q. Have you seen this -- you know, I'm going 8:08 to show it once, and I'll ask you a few questions. 8:09 (Video playback began.) 8:10 BY MR. CEISLER: 8:11 Q. All right. Were you able to see that, 8:12 sir?	00:11:06	<b>DonaldThatcher-editedfortrial.4</b>

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DESIGNATION	SOURCE	DURATION	ID
8:13	A. Yes, sir.		
8:14	Q. Have you seen this video before?		
8:15	A. Yes, sir.		
8:16	Q. When did you see this video before?		
8:17	A. I believe it was the day after it		
8:18	occurred.		
8:19	Q. Did you see this video today?		
8:20	A. Yes. This morning, yes.		
8:21	Q. Okay. And the day after it occurred?		
8:22	A. Yeah, I believe it was the day after, yes.		
8:23	Q. Okay. So just broadly speaking -- and		
8:24	then we'll go kind of second by second -- what is		
8:25	this video?		
9:01	A. This is the -- where we park. It's the --		
9:02	behind the police station. It's usually where we		
9:03	park when we're on duty so we can get to the car		
9:04	and just -- we just pull right out from there onto		
9:05	the road.		
9:06	Q. Okay. What does this video depict?		
9:07	A. This is me. I was pulling in off -- just		
9:08	a regular patrol, about to go into the station.		
9:09	Q. Okay. And how do you know this is a video		
9:10	of you?		
9:11	A. Well, I could see it. It's the car I		
9:12	always use, and that's me getting out of the car.		
9:13	Q. Do you recall this incident?		
9:14	A. Yes.		
9:15	Q. Does this video fairly and accurately		
9:16	depict the incident as you remember it?		
9:17	A. Yes.		
9:18	Q. Do you have any reason to believe this		
9:19	video does not fairly and accurately depict this		
9:20	incident as you recall?		
9:21	A. No.		
9:22	Q. Do you recall what date this incident		
9:23	occurred?		
9:24	A. February 7th.		
9:25	Q. Okay. Of what year?		
10:01	A. 2022.		
10:02	Q. Where did this incident occur?		
10:03	A. It was right behind the station where we		

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DESIGNATION	SOURCE	DURATION	ID
	10:04 usually park, at 962 Main Street in Honesdale.		
	10:05 Q. Do you know what camera captured this		
	10:06 video?		
	10:07 A. I don't know the name of it. Just the		
	10:08 back parking lot.		
	10:09 Q. Sure. But is it a security camera? Or		
	10:10 what type of camera?		
	10:11 A. It's -- yeah. It's a security camera.		
	10:12 Q. Okay. So to confirm, this is a security		
	10:13 camera that captured a video of you from that		
	10:14 February incident in 2022?		
	10:15 A. Correct.		
	10:16 Q. Okay. Some of those questions might seem		
	10:17 silly, but they're authentication questions --		
	10:18 A. Sure.		
	10:19 Q. -- that allow us to use this video.		
	10:20 Okay. Now I'm going to show the video		
	10:21 again, and I'd like you to -- I'm going to show it		
	10:22 kind of bit by bit, and I want you to tell me what		
	10:23 happened in that bit. Okay?		
	10:24 A. Okay.		
	10:25 Q. So I'm starting at 0 seconds.		
	11:01 (Video playback began.)		
	11:02 BY MR. CEISLER:		
	11:03 Q. And I'm stopping at 5 seconds.		
	11:04 So walk me through what's happening in		
	11:05 the first 5 seconds of this video.		
	11:06 A. Okay. I'm just -- actually just grabbing		
	11:07 my -- it looked like coffee or my cup and my phone		
	11:08 and stepping out of the car to walk towards the		
	11:09 station.		
	11:10 Q. Okay. So what do you have in your left		
	11:11 hand here?		
	11:12 A. That, I believe, is my -- is my phone.		
	11:13 Q. Okay. Do you have anything in your right		
	11:14 hand?		
	11:15 A. It doesn't look -- no. No. I don't		
	11:16 believe I had anything in my right hand.		
	11:17 No, I...		
	11:18 Q. So you do not believe you have anything in		
	11:19 your right hand as you're getting out of the car		

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DESIGNATION	SOURCE	DURATION	ID
	11:20 here?		
	11:21 A. No. I -- yeah, I grabbed my phone -- I		
	11:22 believe that's my phone -- and then placed that in		
	11:23 my left hand and stepped out.		
	11:24 Q. Other than that being your phone, is there		
	11:25 anything else you can think that that would be in		
	12:01 your left hand?		
	12:02 A. I can't think of what it would be. The		
	12:03 only thing I -- getting out of the car is usually		
	12:04 I have my phone sitting there. I believe it's my		
	12:05 phone.		
	12:06 Q. Okay. At what point, do you recall, did		
	12:07 you take off your seat belt?		
	12:08 A. Right when I stopped the car. I pulled		
	12:09 in, stopped, took my seat belt off.		
	12:10 Q. Okay. So let's take it now, 5 seconds to		
	12:11 10 seconds.		
	12:12 Actually, let's go 5 seconds to		
	12:13 8 seconds. Okay?		
	12:14 A. Yup.		
	12:15 (Video playback began.)		
	12:16 BY MR. CEISLER:		
	12:17 Q. What is happening from 5 seconds to		
	12:18 8 seconds, which is the clip I just showed you?		
	12:19 A. I heard a loud bang.		
	12:20 Q. Okay. Did you know what the loud bang was		
	12:21 immediately?		
	12:22 A. No, not at first. It shocked me. You		
	12:23 know, I didn't know what it was. It was just this		
	12:24 loud bang, and it took me a second or two to		
	12:25 figure out what -- what it was.		
	13:01 Q. So I'm going to drag the cursor along.		
	13:02 Can you see the seconds at the bottom of the		
	13:03 screen here?		
	13:04 A. Yes.		
	13:05 Q. Okay. I'm going to drag the cursor -- it		
	13:06 actually won't say the second until I stop it, but		
	13:07 take me to the point of discharge. Tell me when		
	13:08 you think you heard the bang.		
	13:09 A. Right about -- right about there. Yeah,		
	13:10 it was --		

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DESIGNATION	SOURCE	DURATION	ID
13:11	Q. So you think the moment where you look		
13:12	down as you're getting out of the car, which is --		
13:13	A. Yes. Right there. Exactly. That's --		
13:14	yeah.		
13:15	Q. Which is at about the 6-second mark		
13:16	here --		
13:17	A. Yes.		
13:18	Q. -- there's a discharge?		
13:19	A. Yes. Yes, sir.		
13:20	Q. Can you tell me where -- is it -- strike		
13:21	that.		
13:22	Is it a gun that discharged?		
13:23	A. Yes.		
13:24	Q. What gun discharged?		
13:25	A. What discharged?		
14:01	Q. Yeah. What gun discharged? Was it your		
14:02	gun? I'm trying to --		
14:03	A. It was my -- yeah, it's my on-duty gun,		
14:04	which was -- at that time was a SIG SAUER P320.		
14:05	Q. Where was your SIG SAUER P320 at the		
14:06	moment of discharge?		
14:07	A. It was in my holster.		
14:08	Q. Where was your holster at the moment of		
14:09	discharge?		
14:10	A. It was on the left side of my hip where I		
14:11	usually have my holster.		
14:12	Q. So when you said left side of your hip,		
14:13	was it -- do you see my arrow?		
14:14	A. Yes.		
14:15	Q. Is -- what side of your body?		
14:16	A. It's on the left side. It would be near		
14:17	the car there, the car side.		
14:18	Q. Got it.		
14:19	So it is on the side of the hand where		
14:20	you're -- you have something in your hand, you		
14:21	believe to be your phone?		
14:22	A. Correct. Yes.		
14:23	Q. Okay. Are you left-handed or		
14:24	right-handed?		
14:25	A. I am left-handed.		
15:01	Q. So you draw with your left hand, and		

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DESIGNATION	SOURCE	DURATION	ID
15:02	that's why the holster's on your left hip?		
15:03	A. Yes, sir.		
15:04	Q. Okay. What type of holster did you have?		
15:05	A. That is a Blackhawk T-Series -- T-Series		
15:06	holster. It's a triple retention holster.		
15:07	Q. Triple retention holster.		
15:08	So can you describe when you put the		
15:09	gun in the holster, does it make a click? Or how		
15:10	do you know it's seated?		
15:11	A. Yes. It actually locks in. It makes a		
15:12	click and it locks in.		
15:13	Q. Is the trigger accessible when the gun is		
15:14	fully seated?		
15:15	A. No, sir.		
15:16	Q. What is covering the trigger at the time		
15:17	the gun is fully seated?		
15:18	A. The holster is -- it's fully covered on --		
15:19	where the trigger is at with plastic. It's a --		
15:20	you can't get to the trigger at all.		
15:21	Q. How -- how do you know that the gun is		
15:22	seated in the holster?		
15:23	A. Well, it's a triple retention. It clicks		
15:24	in, and then it's got a hood over top of it,		
15:25	making it triple retention. You have to click		
16:01	the -- pull the hood of it up over so the gun		
16:02	can't come out at all.		
16:03	Q. Was the hood over the gun at the time of		
16:04	this incident?		
16:05	A. Yes, sir.		
16:06	Q. So was the gun fully holstered at the time		
16:07	of this incident?		
16:08	A. Yes, sir.		
16:09	Q. All the levels of the triple retention		
16:10	were activated at the time of this incident?		
16:11	A. Yes, sir.		
16:12	Q. So I'm going to take you to the moment		
16:13	where you say you -- you described the discharge.		
16:14	Where is your left hand?		
16:15	A. My left hand, right there -- and I'm just		
16:16	getting out and I'm actually in shock, because I		
16:17	heard the shot go off, and I didn't know at -- for		



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DESIGNATION	SOURCE	DURATION	ID
16:18	a second what -- you know, what happened. So I'm		
16:19	just -- I'm just getting out with -- it looks --		
16:20	it appears to be my phone in my hand.		
16:21	Q. Okay. So your left hand, is it touching		
16:22	your gun?		
16:23	A. No. Not at all.		
16:24	Q. Is your left hand touching the trigger of		
16:25	your gun?		
17:01	A. Not at all. No, sir.		
17:02	Q. Where is your right hand at the time of		
17:03	discharge?		
17:04	A. My right hand is just pushing the door		
17:05	open. It's on the door.		
17:06	Q. Is your right hand touching the gun at the		
17:07	time of discharge?		
17:08	A. No, sir.		
17:09	Q. Is your right hand touching your holster		
17:10	at the time of the discharge?		
17:11	A. No, sir.		
17:12	Q. Had you made any modifications to the P320		
17:13	prior to this incident?		
17:14	A. No, sir. The only thing, it has a		
17:15	flashlight mounted on it.		
17:16	Q. Okay. On top?		
17:17	A. It's on the bottom.		
17:18	Q. On the bottom?		
17:19	A. Yeah.		
17:20	Q. So it's between the trigger and the end of		
17:21	the barrel?		
17:22	A. Yes. That -- yeah. They have mounts for		
17:23	them for police that we put them on like that.		
17:24	Q. Okay. Do you recall where you got that --		
17:25	that light?		
18:01	A. It was issued to us from -- you'd have to		
18:02	ask the chief of police where they got them from.		
18:03	Q. Okay. And was the holster designed to fit		
18:04	the -- that you know of, to fit the gun with the		
18:05	flashlight on it?		
18:06	A. Yes. They're made for that, yes.		
22:16 - 22:18	<b>Thatcher, Donald 2022-10-21</b>	00:00:05	<b>DonaldThatcher-</b>

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DESIGNATION	SOURCE	DURATION	ID
	22:16 Do you have any idea if your seat belt 22:17 got in the holster in any way? 22:18 A. I --		<b>editedfortrial.5</b>
22:20 - 22:25	<b>Thatcher, Donald 2022-10-21</b>  22:20 THE WITNESS: I have no idea. When 22:21 I got out, I took the seat belt off. It 22:22 felt like it was, like, alongside of me, 22:23 the seat belt, when I took it off and got 22:24 out, but it was already cleared from me 22:25 when I stepped out, when the gun went off.	00:00:20	<b>DonaldThatcher-editedfortrial.6</b>
23:08 - 23:14	<b>Thatcher, Donald 2022-10-21</b>  23:08 Q. And the hood was over the gun the whole 23:09 time you were in the car; right? It was over -- 23:10 A. Yes. 23:11 Q. The holster -- the gun was fully 23:12 holstered? 23:13 A. Yes. 23:14 Q. Okay.	00:00:09	<b>DonaldThatcher-editedfortrial.7</b>
33:05 - 33:13	<b>Thatcher, Donald 2022-10-21</b>  33:05 Q. Okay. And you had a light mounted onto 33:06 the pistol; is that correct? 33:07 A. Yes. 33:08 Q. You were using a Blackhawk T-Series 33:09 holster. Is that what you indicated? 33:10 A. Yes. 33:11 Q. Have you ever seen a manual for the 33:12 Blackhawk T-Series holster? 33:13 A. No.	00:00:25	<b>DonaldThatcher-editedfortrial.8</b>
35:07 - 35:09	<b>Thatcher, Donald 2022-10-21</b>  35:07 Q. Okay. Were you aware that the trigger on 35:08 certain firearms was unavoidably accessible in 35:09 these holsters?	00:00:08	<b>DonaldThatcher-editedfortrial.9</b>
35:12 - 35:24	<b>Thatcher, Donald 2022-10-21</b>  35:12 THE WITNESS: No. 35:13 BY MS. DENNISON: 35:14 Q. Okay. As we sit here today, is it 35:15 accurate to say that you don't know whether 35:16 something got into that trigger guard to cause the 35:17 trigger to be pulled?	00:00:32	<b>DonaldThatcher-editedfortrial.10</b>

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DESIGNATION	SOURCE	DURATION	ID
	<p>35:18 A. You're asking if I knew whether something</p> <p>35:19 got in the trigger guard?</p> <p>35:20 Q. No. I'm asking you, as we sit here today,</p> <p>35:21 can you state with certainty that nothing got into</p> <p>35:22 that trigger guard to cause it to discharge?</p> <p>35:23 A. I can't state -- no. I can't state</p> <p>35:24 whether something got in there or not.</p>		
40:05 - 40:13	<p><b>Thatcher, Donald 2022-10-21</b></p> <p>40:05 Q. Sergeant, I have about three questions.</p> <p>40:06 A. Okay.</p> <p>40:07 Q. Did the round discharge after you shot --</p> <p>40:08 or after it shot?</p> <p>40:09 A. It discharged -- yes. It went into the</p> <p>40:10 pavement.</p> <p>40:11 Q. Okay. It came out of the -- it came out</p> <p>40:12 of the gun?</p> <p>40:13 A. Yes.</p>	00:00:17	<b>DonaldThatcher-editedfortrial.11</b>
41:22 - 42:18	<p><b>Thatcher, Donald 2022-10-21</b></p> <p>41:22 BY MR. CEISLER:</p> <p>41:23 Q. And to clarify, so did it come out after</p> <p>41:24 you took the gun out of the holster? Did you take</p> <p>41:25 the gun out of the holster?</p> <p>42:01 A. Yes. When we -- when I -- I came into the</p> <p>42:02 station, did not touch the weapon until</p> <p>42:03 Lieutenant Langman show- -- arrived, and then I</p> <p>42:04 pulled the gun out, handed it over to</p> <p>42:05 Lieutenant Langman, and he ejected the casing out,</p> <p>42:06 which was still in the chamber.</p> <p>42:07 Q. Got it.</p> <p>42:08 A. And then we -- we stripped the gun of the</p> <p>42:09 rounds and made them -- made it safe.</p> <p>42:10 Q. Got it.</p> <p>42:11 So the round itself, the bullet, went</p> <p>42:12 through the bottom of the holster, hit the</p> <p>42:13 pavement, and the casing stayed inside the</p> <p>42:14 holster; is that correct?</p> <p>42:15 A. Yes. It actually went down through the</p> <p>42:16 back of my pant leg. I have pant leg holes. So</p> <p>42:17 it went down through my pant leg, and then it hit</p> <p>42:18 the pavement, yes.</p>	00:00:49	<b>DonaldThatcher-editedfortrial.12</b>

<a href="#">Our Designations</a>	00:14:24
<b>TOTAL RUN TIME</b>	<b>00:14:24</b>